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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,055	12/07/2001	Antonio Colmenarez	US010546	7472

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EXAMINER

WILLIAMS, LAWRENCE B

ART UNIT	PAPER NUMBER
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2638

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,055

Applicant(s)

COLMENAREZ ET AL.

Examiner

Lawrence B. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>29 May 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of **50 to 150** words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US Patent 6,018,520) in view of Flint et al. (US Patent 6,112,098).

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(1) With regard to claim 1, Okada discloses in Fig(s). 4, 5, a system for a cordless modem comprising: a base station (31, 32) comprising means for connection with a communication line; a remote unit (36-1-50-1) for connection with an interface of a modem (76b); said base station including means (antenna) for wireless communication with said remote unit; said remote unit comprising means (antenna) for wireless communication with at least said base station. Okada does not however disclose said base station including means for testing and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between said base station and said remote unit.

However, Flint et al. discloses a cordless of wireless system wherein the base station includes means for testing and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between said base station and said remote unit.

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Flint et al. into the invention of Okada as a method of providing the best available channel for data transmission over a wireless network or cordless system (col. 1, lines 34-40)

(2) With regard to claim 2, Flint et al. also discloses wherein said means for testing includes means for comparing levels of test patterns communicated between said base station and said remote unit (col. 4, lines 7-36).

(3) With regard to claim 11, claim 11 inherits all limitations of claim 1 above as claim 11 merely discloses the method of the system disclosed in claim 1.

(4) With regard to claim 12, claim 12 inherits all limitations of claim 11 and 2 above.

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5. Claims 3-6 and 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US Patent 6,018,520) in view of Flint et al. (US Patent 6,112,098) as applied to claims 2, 11, 12 above, and further in view of Bullock et al. (US Patent 6,778,817 B1).

(1) With regard to claim 3, as noted above, Okada in combination with Flint et al. disclose all limitations of claim 2 above. They do not however disclose the system further comprising at least one booster station being in wireless communication with said base station and said remote unit, said booster station including receiving means for receiving information transmitted from said base station and said remote unit and transmitting means for transmitting information to said base station and said remote unit.

However Bullock et al. discloses in Fig. 2, a system for combining a wireless phone jack and RF wireless communications wherein the system comprises at least one booster station (106) being in wireless communication (104) with said base station and said remote unit (109), said booster station including receiving means (105) for receiving information transmitted from said base station and said remote unit (108) and transmitting means (108, 105) for transmitting information to said base station and said remote unit (col. 4, lines 38-47).

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Bullock et al. with the invention of Okada in combination with Flint et al. as a method of providing a telephone communication system for the communication of signals using A/C power lines and wireless RF signals (col. 2, line 61 - col. 3, line 12).

(2) With regard to claim 4, claim 4 inherits all limitations of claim 2 above. Furthermore, Bullock et al. also discloses in Fig(s) 2, 3, wherein said base station (104) includes means for

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connection with a first electrical outlet (105), and said system further comprises at least one booster station (106) being in wireless communication with said remote unit (109), said booster station including means for connection with a second electrical outlet (105, 307), and said base station and said at least one booster station including means for communication over a common electrical wiring system between said first and second electrical outlets (col. 4, lines 30-57).

(3) With regard to claim 5, claim 5 inherits all limitations of claim 4 above. Furthermore, though neither of the references teach wherein said at least one booster station includes means for testing and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between said booster station and said remote unit, and when reception between said at least one booster station and said remote unit is stronger than reception between said base station and said remote unit, said base station communicates with said at least one booster station only via the common electrical wiring system, Flint et al. discloses a cordless of wireless system wherein the base station includes means for testing and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between said base station and said remote unit. It would be obvious to one skilled in the art at the time of invention to apply this same method of choosing either another frequency of the use of the wiring system to ensure the best reception for the system (col. 5, line 42- col. 6, line 7).

(4) With regard to claim 6, claim 6 includes all limitations of claim 5 above. Furthermore, Flint's method tests the available frequencies and stops using a frequency in lieu of a frequency with a better reception. The method claimed by applicant is a simple variation of Flint's method; "wherein said base station periodically tests wireless communication with said remote unit and

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when reception between said base station and said remote unit is stronger than reception between said at least one booster station and said remote unit, said base station stops communicating with said at least one booster station via the common electrical wiring system and wirelessly communicates directly with said remote unit. Since the invention has the wireline method of communication incorporated with wireless, it would be obvious to one skilled in the art to apply Flint's method to the wireline reception as well as to the wireless frequencies reception to choose a best method of communication between the two.

(5) With regard to claim 13, claim 13 inherits all limitations of claims 3 and 11 above.

(6) With regard to claim 14, claim 14 inherits all limitations of claim 12 above.

Furthermore, Bullock et al. also discloses in Fig. 2, the method further comprising: providing at least one booster station (106) in wireless communication with said base station (104) and said remote unit (109), said booster station receiving and re-transmitting communications between said base station and said remote unit (col. 4, lines 38-47).

(7) With regard to claim 15, claim 15 inherits all limitations of claims 4 and 13 above.

(8) With regard to claim 16, claim 16 inherits all limitations of claims 4 and 14 above.

(9) With regard to claim 17, claim 17 inherits all limitations of claim 15 above.

Furthermore, Flint et al. discloses a cordless of wireless system wherein the base station includes means for testing and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between said base station and said remote unit. It would be obvious to one skilled in the art that this method could be applied between the booster and the remote as well.

(10) With regard to claim 18, claim 18 inherits all limitations of claims 16 and 17 above.

(11) With regard to claim 19, claim 19 includes all limitations of claims 17 above. Furthermore, Flint's method tests the available frequencies and stops using a frequency in lieu of a frequency with a better reception. It would be obvious to one skilled in the art to apply this method to the claimed system to switch to communication via the electrical wiring system for better reception.

(12) With regard to claim 20, claim 20 inherits all limitations of claims 17 and 19 above.

(13) With regard to claim 21, claim 21 inherits all limitations of claims 6 and 17 above.

(14) With regard to claim 22, claim 22 inherits all limitations of claims 6 and 21 above.

6. Claims 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US Patent 6,018,520) in view of Flint et al. (US Patent 6,112,098) as applied to claim 1 above, and further in view of Bullock et al. (US Patent 6,107,912).

As noted above, Okada in combination with Flint et al. disclose all limitations of claim 1 above. They do not however explicitly teach the remote unit is arranged in the case of a portable computer, though both inventions are geared toward telecommunications.

However, Bullock et al teaches in Fig. 1, a wireless modem jack where the remote is arranged in the case of a computer (It would be obvious that the invention could apply to a portable computer). It would have been obvious to one skilled in the art at the time of invention to combine the teaching of Bullock et al. with the invention of Okada in combination with Flint et al. to provide a wireless power line carrier communication which provides improved transmitter power output power (col. 2, line 19-col. 3, line 16).

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(2) With regard to claim 10, though neither of the invention discloses a remote unit including an antenna arranged on the case of a portable computer so that it is oriented upward when the computer is open, lap tops with antennae and antennae in general are design is well known in the art and an antenna arranged on the case of a portable computer so that it is oriented upward when the computer is open would be a mere design choice of one skilled in the art.

7. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US Patent 6,018,520) in combination with Flint et al. (US Patent 6,112,098) as applied to claims 3, 5 above in view of Bullock et al. (US Patent 6,778,817 B1) and further in view of Bullock et al. (US Patent 6,778,817 B1).

(1) With regard to claim 8, as noted above, the combination of Okada, Flint et al. and Bullock et al. disclose all limitations of claim 3 above. They do not however explicitly teach the remote unit is arranged in the case of a portable computer, though all inventions are geared toward telecommunications.

However, Bullock et al teaches in Fig. 1, a wireless modem jack where the remote is arranged in the case of a computer (It would be obvious that the invention could apply to a portable computer). It would have been obvious to one skilled in the art at the time of invention to combine the teaching of Bullock et al. with the invention of Okada in combination with Flint et al. to provide a wireless power line carrier communication which provides improved transmitter power output power (col. 2, line 19 - col. 3, line 16).

(2) With regard to claim 9, claim 9 inherits all limitations of claim 5 and 8 above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.) Batzer et al. discloses in US Patent 6,188,720 B1 Modulation and Signaling Converter.

b.) Ito et al. discloses in US Patent 6,690,915 B1 Booster, Monitoring Apparatus, Booster System, Control Method And Monitoring Method.

c.) Gray discloses in US Patent 5,602,843 Integrated Wired And Wireless Telecommunications Systems.

d.) Prudent discloses in US 2005/0101347 A1 Communications Device For A Wireless And Land-Line Network.

e.) Beukema discloses in US Patent 6,243,413 B1 Modular Home-Networking Communication System And Method Using Disparate Communication Channels.

f.) Bullock discloses in US Patent 6,243,571 B1 Method And System For Distribution Of Wireless Signals For Increased Wireless Coverage Using Power Lines.

g.) Gustafson discloses in US Patent 5,832,364 Distributing Wireless System Carrier Signals Within A Building Using Existing Power Line Wiring.

h.) Ritter discloses in US Patent 6,856,799 B1 Communications System, Communication Method And Corresponding Devices.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence B Williams whose telephone number is 571-272-3037. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence B. Williams

lbw

July 11, 2005


KENNETH VANDERPUYE
PRIMARY EXAMINER